



February 18, 2022

Via ECF and email to FAILLA_NYSDCHAMBERS@NYSD.USCOURTS.GOV

Hon. Katherine Polk Failla
United States Courthouse
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Re: *Nabila Uddin v. Rock Arch & Eng Corp. et. al.* Index No: 1:21-CV-10900

Dear Honorable Judge Polk Failla:

As you are aware, this firm represents Plaintiff, Nabila Uddin, in the above-mentioned action. I write in accordance with Your Honor's Individual Rule 2.C. to respectfully request an extension of 10-days, from 2/21/22 to 3/3/22, to file Plaintiff's response to Defendants' recent pre-motion conference request letter (Dkt. #7) seeking leave to file a motion to dismiss the complaint and/or to transfer this matter to the EDNY. The reason for this request is that Plaintiff's counsel is going on a long-scheduled vacation, and will be traveling overseas on Monday, 2/21/22 the day Plaintiff's response to Defendants' pre-motion letter is due. Plaintiff has sought Defendants' consent to this request, however as of the time of this writing, Plaintiff has not heard back.

Additionally, Plaintiff anticipates that Defendants will withdraw their pre-motion letter, as Plaintiff has recently served upon Defendants a Rule 11 warning letter pointing out several blatantly false statements of law contained in Defendants' pre-motion letter (e.g. that the Title VII limitations period in NY is 180 days—it is actually 300 days, and that individual defendants cannot be held liable under the NYCHRL and NYSHRL—it is well settled that those statutes definitely do allow for liability against individual defendants, among other glaringly erroneous statements of law contained in the pre-motion letter recently filed by Defendants). Therefore, this extension will also allow time during which Defendants can correct and/or withdraw the false statements they have submitted to this Court, as well as allow for Plaintiff's counsel to return from vacation to submit Plaintiff's response to Defendants' pre-motion letter.

Plaintiff thanks the Court for its time and consideration of this request.

Respectfully submitted,
DEREK SMITH LAW GROUP, PLLC

/s/ Seamus Barrett
Seamus P. Barrett

cc: Walter Drobenko, Esq. (via ECF)
Attorney for Defendants

New York City Office: One Penn Plaza, Suite 4905, New York, NY 10119 | (212) 587-0760
Philadelphia Office: 1845 Walnut Street, Suite 1600, Philadelphia, PA 19103 | (215) 391-4790
New Jersey Office: 73 Forest Lake Drive, West Milford, NJ 07421 | (973) 388-8625
Website: www.discriminationandsexualharassmentlawyers.com

The Court is in receipt of Plaintiff's letter (Dkt. #8) seeking a ten-day extension of time to respond to Defendants' request for a pre-motion conference (Dkt. #7). Defense counsel has notified the Court that Defendants do not object to this extension.

Plaintiff's application is GRANTED. Plaintiff's deadline to respond to Defendants' pre-motion letter is hereby extended to April 4, 2022. The Clerk of Court is directed to terminate the pending motion at docket number 8.

Dated: February 22, 2022
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE